

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC SIMON,

Plaintiff,

vs.

Case No. 12-CV-12643
HON. GEORGE CARAM STEEH
MAG. JUDGE WHALEN

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

_____ /

ORDER ACCEPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION [DOC. 19]

This matter is before the court on the parties' cross-motions for summary judgment as to plaintiff Eric Simon's claim for judicial review of defendant Commissioner of Social Security's decision that he is not entitled to social security disability and supplemental security income benefits. On July 19, 2013, Magistrate Judge Whalen issued a report and recommendation recommending that plaintiff's motion for summary judgment be denied and that defendant's motion for summary judgment be granted.

The court has reviewed the file, record, and magistrate judge's report and recommendation. Objections to that report have not been filed by plaintiff and the time period for doing so has expired. The failure to file objections to a report and recommendation generally constitutes a waiver of the right to appeal the judgment of the district court. Thomas v. Arn, 474 U.S. 140, 155 (1985); Alspaugh v. McConnell, 643 F.3d 162, 166 (6th Cir. 2011). Accordingly,

IT IS HEREBY ORDERED that the court ACCEPTS and ADOPTS the magistrate judge's report and recommendation (Doc. 19).

IT IS FURTHER ORDERED that the Commissioner's motion for summary judgment (Doc. 18) hereby is GRANTED.

IT IS FURTHER ORDERED that plaintiff's motion for summary judgment (Doc. 17) hereby is DENIED.

Dated: August 28, 2013

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on August 28, 2013, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk